

MARINE SAFETY BULLETIN

Volume 4, Issue 32

August 2004

COAST GUARD ESTABLISHES MANDATORY BALLAST WATER MANAGEMENT PRACTICES FOR OPERATIONS IN U.S. WATERS

OVERVIEW

On July 28, 2004 the Coast Guard published a final rule in the Federal Register entitled "Mandatory Ballast Water Management Program for U.S. Waters" (69 FR 44952). This rule amends existing regulations found in Title 33, Code of Federal Regulations (CFR), Part 151. These requirements apply to all vessels, domestic and foreign. A Coast Guard policy letter, MOC Policy Letter 04-06, was issued August 10, 2004, which provides further guidance for compliance with, and enforcement of, these new rules. This policy letter can be found on the internet at: http://www.uscg.mil/hq/g-m/pscweb/MOC_policy_ltr_04-06.pdf

DETAILS

On September 27, 2004 the regulations will come into effect for all vessels with ballast water tanks (including wing tanks and dual purpose fuel tanks) that operate in U.S. waters. The regulations say that:

- a. A vessel that carries ballast water that was taken in areas less than 200 nautical miles from any shore that has operated beyond the U.S. Economic Exclusive Zone (200 NM from US territory) must employ one of the following practices:
 - **A complete ballast water exchange in an area no less than 200 NM from any shore prior to discharge in US waters.**
 - **Retain ballast water onboard the vessel.**
 - **Use another environmentally sound method of ballast water management that has been approved by the Coast Guard.**
- b. A Ballast Water Management Plan specifically developed for the vessel must be carried onboard.
- c. A vessel will not be required to deviate from its voyage, or delay the voyage, in order to conduct ballast water exchange.
- d. A vessel that cannot practicably meet the requirements for exchange or alternate management because its voyage does not take it into waters 200 NM or greater from any shore for a sufficient length of time will not be prohibited from the discharge of ballast water in areas other than the Great Lakes and the Hudson River. However, the vessel must discharge only the amount of ballast water operationally necessary to ensure the safety of the vessel's cargo operations.
- e. A foreign vessel merely traversing the territorial sea of the U.S. is exempt from these requirements.

MOC Policy Letter 06-04 further clarifies the reporting and record keeping requirements as follows:

- a. Because of the unique configuration of the boundary between the zones of Captain of the Port (COTP) Morgan City and COTP New Orleans, vessels which operate exclusively within these COTP zones are not required to report or maintain records under 33 CFR 151.2040 and 151.2045.
- b. Vessels that operate in multiple COTP zones but conduct ballast operations exclusively in one COTP zone are not required to report or maintain records under 33 CFR 151.2040 and 151.2045.

If you have any questions about this rule, please contact the Inspections Department at (504) 589-6273.